

1 THE HONORABLE RONALD B. LEIGHTON
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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

6 OFF-IT, INC., a Washington State corporation; and
7 LAYNE E. HUBER, in his individual capacity,

8 vs.
9 Plaintiffs,

10 THURSTON COUNTY, a municipal corporation,
11 and the CITY OF LACEY, a municipal corporation,

12 Defendants.

13 No.: 12-05701-RBL

14 ORDER GRANTING DEFENDANT
15 THURSTON COUNTY'S MOTION FOR
16 SUMMARY JUDGMENT

17 This matter came before the Court on Defendant Thurston County's motion for summary
18 judgment requesting the Court to find that the Plaintiffs have failed to establish that there are genuine
19 issues of material fact and that Plaintiffs' claims have no basis in law.

20 The Court considered the pleadings filed in this action and the following documents:

21 1. Defendant Thurston County's Motion for Summary Judgment;
22 2. Memorandum in Support of Defendant Thurston County's Motion for Summary
23 Judgment;
24 3. Declaration of David Klumpp in Support of Defendant Thurston County's Motion for
25 Summary Judgment;
26 4. Plaintiffs' Response to Thurston County's Motion for Summary Judgment and
accompanying Declarations, if any;
27 5. Thurston County's Reply to Plaintiffs' Response;

28 Based on the evidence presented, the Court finds that Plaintiffs have failed to establish any
29 genuine issues of material fact and Defendant Thurston County is entitled to dismissal of the claims
30 against them as a matter of law.

31 ORDER GRANTING DEFENDANT THURSTON COUNTY'S
32 MOTION FOR SUMMARY JUDGMENT - 1
33 USDC No. 12-05701-RBL

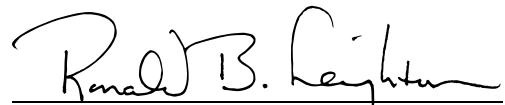
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35 JON TUNHEIM
36 Thurston County Prosecuting Attorney
37 Civil Division - Bldg. No. 5
38 2000 Lakeridge Dr., SW
39 Olympia, WA 98502
40 360/786-5574 FAX 360/709-3006

1 IT IS HEREBY ORDERED:

2 Defendant Thurston County's motion for summary judgment is granted and Plaintiffs' claims
3 are hereby dismissed with prejudice.

4 DATED this 24th day of April, 2013.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE

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11 Presented by:

12 JON TUNHEIM
13 PROSECUTING ATTORNEY

14 /s/ *David Klumpp*

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16 DAVID KLUMPP, WSBA #10910
17 Chief Civil Deputy
18 Attorney for Thurston County

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ORDER GRANTING DEFENDANT THURSTON COUNTY'S
MOTION FOR SUMMARY JUDGMENT - 2
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